

EXHIBIT 1

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

JUNIPER NETWORKS, INC.,
Petitioner,

v.

SWARM TECHNOLOGY LLC,
Patent Owner.

Case IPR2021-01317
Patent 9,146,777

**PATENT OWNER'S MANDATORY NOTICES
UNDER 37 CFR 42.8**

IPR2021-01317

Patent Owner's Mandatory Notices

TABLE OF EXHIBITS

- A. Certificate of Service of Petition for Inter Partes Review of U.S. Patent No. 9,146,777 filed July 26, 2021
- B. Certificate of Service of Corrected Petition for Inter Partes Review of U.S. Patent No. 9,146,777 dated July 28, 2021
- C. Certificate of Service of Petitioner's Updated Mandatory Notices Under 37 C.F.R. § 42.8(a)(3) filed July 29, 2021
- D. Patent Owner Swarm Technology LLC's Power of Attorney (adding Beus Gilbert McGroder PLLC but NOT revoking or substituting Jennings Strouss & Salmon PLC)

**PATENT OWNER'S MANDATORY NOTICES
PURSUANT TO 37 CFR 42.8**

Patent Owner Swarm Technology LLC ("Patent Owner") hereby files its Mandatory Notices in accordance with 37 C.F.R. § 42.8 in IPR2021-01317 requesting *inter partes* review of Claims 1-14 of U.S. Pat. No. 9,146,777 ("the '777 Patent").

Juniper and Amazon's original Petition was filed with the PTAB on July 26, 2021, and served upon Patent Owner on or about July 28, 2021 (see Exhibit A). The original Petition includes Mandatory Notices identifying both Amazon, Inc. ("Amazon") and Juniper Networks, Inc. ("Juniper") as Real Parties in Interest (RPI). Also on July 28, Petitioner apparently sent Patent Owner (via Federal Express) a second document bearing the caption "Corrected Petition for *Inter Partes* Review of U.S. Patent No. 9,146,777" ("Corrected Petition"). That second document identifies Juniper as the sole RPI, and fails to even mention Amazon or any other RPI. Patent Owner was served with the Corrected Petition on or about July 30 (see Exhibit B); however, the Corrected Petition does not appear to have been filed with or otherwise submitted to the PTAB.

Curiously, on July 29 Juniper filed a document captioned "Petitioner's Updated Mandatory Notices Under 37 C.F.R. § 42.8(a)(3)" with the PTAB,

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which was received by Patent Owner via Federal Express on or about August 2, 2021 (see Exhibit C). Regardless of Juniper's intent, only one Petition has ever been filed with the PTAB – the original (July 26) version of the Petition naming Juniper and Amazon as RPIs.

The PTAB should reject Juniper's attempt to change the information contained in the original Petition by serving Patent Owner with the Corrected Petition but not filing it with the PTAB. If Juniper wants to file a corrected petition they should do so – but they have not. Rather, Juniper simply changed the RPI designations in their original Petition in the mailed (but not served) corrected Petition and in "Petitioner's Updated Mandatory Notices ... (a)(3)." As a result, although Patent Owner is informed that Juniper desires to update their Petition, the only Petition of record in the PTAB identifies both Juniper and Amazon as RPIs. Unless and until a corrected Petition is filed, Patent Owner respectfully submits that the 21-day window set forth in 37 CFR 42.8(a)(3) remains open. Patent Owner therefore submits that its Mandatory Notices are hereby timely filed under 37 CFR 42.8(a) which requires Patent Owner to file its Mandatory Notices within 21 days of service of the petition, *or* within 21 days of a change to the information stated in an earlier paper.

37 CFR 42.8(b)(1) - Real Party in Interest

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Patent Owner's Mandatory Notices

Swarm Technology LLC is the owner of the entire interest in the '777 Patent, and the real party in interest.

37 CFR 42.8(b)(2) - Related Judicial Matters

The '777 Patent is at issue in the following district court actions that may affect, or be affected by, a decision in this IPR proceeding:

- 1) *Juniper Networks, Inc. and Apstra, Inc. v. Swarm Technology LLC*, No. 3:20-cv-03137-JD (N.D. Cal.) filed May 7, 2020
- 2) *Swarm Technology, LLC v Amazon.com, Inc., and Amazon Web Services, Inc.* 2:21-cv-00438-DJH (District of Arizona) filed March 15, 2021

37 CFR 42.8(b)(2) - Related Administrative Matters

The following patents claim or may claim the benefit of the priority filing date of the '777 Patent, namely, January 25, 2013:

- 1) U.S. Patent No. 9,852,004 issued December 26, 2017 and entitled "System and Method for Parallel Processing Using Dynamically Configurable Proactive Co-Processing Cells" (the '004 Patent); and
- 2) U.S. Patent No. 10,592,275 issued March 17, 2020 and entitled "System and Method for Swarm Collaborative Intelligence Using Dynamically Configurable Proactive Autonomous Agents" (the '275 Patent).

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Patent Owner's Mandatory Notices

The following patent applications claim or may claim the benefit of the priority filing date of the '777 Patent, namely, January 25, 2013:

- 1) U.S. Patent Application No. 15/852,480 filed December 22, 2017 and entitled "System and Method for Parallel Processing Using Dynamically Configurable Proactive Co-Processing Cells"; and
- 2) U.S. Patent Application No. 16/788,122 filed February 11, 2020 and entitled "System and Method for Swarm Collaborative Intelligence Using Dynamically Configurable Proactive Autonomous Agents."

37 CFR 42.8(b)(3), (4) - Lead Counsel and Service Information

Daniel R. Pote (Reg. No. 43,011)
dpote@jsslaw.com
Jennings Strouss & Salmon PLC
One East Washington Street
Suite 1900
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Phone: 602.262.5832

Jennings Strouss and Salmon PLC is currently the correspondence address of record for Patent Owner and, thus, no Power of Attorney is required for Lead counsel.

37 CFR 42.8(b)(3), (4) - Back-up Counsel and Service Information

Michael K. Kelly (Reg. No. 32,848)
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Beus Gilbert McGroder PLLC
701 North 44th Street

IPR2021-01317

Patent Owner's Mandatory Notices

Phoenix, Arizona 85008
Phone: 480.329.3015
Mobile: 480.652.0083

A Power of Attorney executed by Swarm Technology, LLC in favor of
Back-up Counsel Beus Gilbert McGroder accompanies this Notice. (Exhibit D).

Respectfully submitted,

Dated: August 24, 2021

By: /Daniel R. Pote/
Daniel R. Pote
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Phone: 602.262.5832
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*Counsel of Record for Patent
Owner*

IPR2021-01317

Patent Owner's Mandatory Notices

CERTIFICATE OF SERVICE

The undersigned hereby certifies service pursuant 37 CFR 42.6(e) by Federal Express of a copy of Patent Owner's Mandatory Notices on Petitioner at:

Adam A.
Allgood
Kyle K. Tsui
FISCH SIGLER LLP
5301 Wisconsin Avenue
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omkyle.tsui@fischllp.com

Dated: August 24, 2021

By: /Daniel R. Pote/

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Email: dpote@jsslaw.com

*Counsel of Record for Patent
Owner*

EXHIBIT A

CERTIFICATE OF SERVICE

The undersigned certifies service pursuant to 37 C.F.R. §§42.6(e) and 42.105(b) on the Patent Owner by Federal Express of a copy of this Petition for *Inter Partes* Review and supporting materials to the correspondence address of record for U.S. Patent No. 9,146,777:

Jennings, Strouss and Salmon, PLC
One East Washington Street, Suite 1900
Phoenix AZ 85004-2554

An electronic courtesy copy is also being served to litigation counsel at:

Allan Steyer
Steyer Lowenthal Boodrookas Alvarez & Smith LLP
235 Pine Street, 15th Floor
San Francisco, California 94104
asteyer@steyerlaw.com

Dated: July 26, 2021

Respectfully submitted,

/Adam A. Allgood/
Adam A. Allgood (Reg. No. 67,306)
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Email: adam.allgood.ipr@fischllp.com

EXHIBIT B

CERTIFICATE OF SERVICE

The undersigned certifies service pursuant to 37 C.F.R. §§42.6(e) and 42.105(b) on the Patent Owner by Federal Express of a copy of this Corrected Petition for Inter Partes Review to the correspondence address of record for U.S. Patent No. 9,146,777:

Jennings, Strouss and Salmon, PLC
One East Washington Street, Suite 1900
Phoenix AZ 85004-2554

An electronic courtesy copy is also being served to litigation counsel at:

Allan Steyer
Steyer Lowenthal Boodrookas Alvarez & Smith LLP
235 Pine Street, 15th Floor
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Dated: July 28, 2021

Respectfully submitted,

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Email: adam.allgood.ipr@fischllp.com

EXHIBIT C

Case IPR2021-01317

Patent No. 9,146,777

CERTIFICATE OF SERVICE

The undersigned certifies service pursuant to 37 C.F.R. § 42.6(e) on Patent Owner by Federal Express of a copy of Petitioner's Updated Mandatory Notices Under 37 C.F.R. § 42.8(a)(3):

Jennings, Strouss and Salmon, PLC
One East Washington Street, Suite 1900
Phoenix AZ 85004-2554

An electronic courtesy copy is also being served to litigation counsel at:

Allan Steyer
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Dated: July 29, 2021

Respectfully submitted,

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EXHIBIT D

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS, INC.,
Petitioner

v.

SWARM TECHNOLOGY LLC,
Patent Owner

Case IPR2021-01317
U.S. Patent No. 9,146,777

POWER OF ATTORNEY FOR PATENT OWNER

Mail Stop: Patent Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

As indicated herein, Patent Owner respectfully submits the
included Power of Attorney.

**POWER OF ATTORNEY – PATENT OWNER, SWARM
TECHNOLOGY LLC**

Patent Owner, Swarm Technology, LLC hereby appoints the following practitioner from Beus Gilbert McGroder PLLC, as its Back Up Counsel to transact all business in the United States Patent and Trademark Office associated with the inter partes review of U.S. Patent No. 9,146,777 (IPR2021- 01317), with Lead Counsel to remain, not revoking or substituting counsel from Jennings Strouss & Salmon PLC

Lead Counsel:

Daniel R. Pote

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Back Up Counsel:

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By:



Name: Alfonso Iniguez

Title: Owner, Swarm Technology, LLC

Date: August, 24, 2021